



**Senator Ted W. Lieu**  
**28<sup>th</sup> Senate District**

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# **Senate Bill 558**

## **Fact Sheet**

### **Journalism Protection Act**

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#### **Purpose:**

Few aspects of American life are held in higher regard than protecting freedom of speech and freedom of the press. In response to recent attacks seen by many as threatening these freedoms, Senate Bill 558 would help reverse the chilling effect on media's role in society from recent news reports that the federal government secretly obtained phone records from third-party sources belonging to established, recognized journalists. SB 558 seeks to address this issue by requiring advance notice to journalists of any subpoenas of these so-called third-party records. Without freedom of the press there cannot be an unfettered freedom of speech.

#### **Background:**

All Californians should be extremely troubled by reports in May 2013 showing the U.S. Department of Justice secretly collected two months of Associated Press phone records. The AP phone records included calls from several bureaus and the personal phone lines from more than 20 lines, including personal phones and AP phone numbers in New York; Hartford, Connecticut; and Washington D.C. The records potentially reveal communications with confidential sources across all of the newsgathering activities undertaken by the AP during a two-month period. U.S. officials have said they were probing how details of a foiled bomb plot that targeted a U.S.-bound aircraft leaked in May 2012. As California journalists know, they already are protected by the state's Shield Law, as defined under Section 2 of California's Constitution, the strongest First Amendment guarantees in the nation. But SB 558 would allow a journalist or media organization to challenge the subpoena and either quash it or narrow its scope. This would help ensure that what happened to AP in Washington, D.C. won't happen in the Golden State.

#### **This bill:**

SB 558 would require a body issuing a subpoena in any civil or criminal proceeding to a third party that seeks the records of a journalist to, except in exigent circumstances, provide notice of the subpoena to the journalist and the publisher of the newspaper, magazine or other publication or station operations manager of the broadcast station that employs or contracts with the journalist at least five days prior to issuing the subpoena. Amendments adopted Aug. 12, 2013 conform to latest U.S. Department of Justice guidelines.

#### **Support:**

The California Newspaper Publishers Association (sponsor)

#### **Oppose:**

None on File

#### **Staff Contact:**

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■ Last updated 08/12/13 by Ray